

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

EDWARD FRANK BREWER,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

No. C09-0153-LRR

ORDER

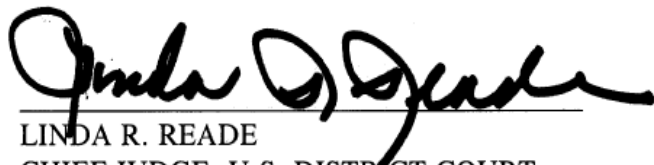
This matter is before the court on the plaintiff's submission of a criminal complaint (docket no. 1). The clerk's office filed such complaint on October 20, 2009.

The complaint does not comply with the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 3 (indicating a civil action is commenced by filing a complaint); *see also* Fed. R. Civ. P. 8 (addressing general rules of pleading). Moreover, the plaintiff submits neither the filing fee nor an application to proceed in forma pauperis. *See* 28 U.S.C. § 1914(a) (requiring \$350.00 filing fee); 28 U.S.C. § 1915 (explaining proceedings in forma pauperis). Finally, with respect to the plaintiff's assertion that criminal charges should be brought against the defendant, neither he nor the court have the authority to commence criminal proceedings. *See e.g., United States v. Armstrong*, 517 U.S. 456, 464, 116 S. Ct. 1480, 134 L. Ed. 2d 687 (1996) (making clear that it is the executive branch that retains broad discretion to enforce the Nation's criminal laws). If the plaintiff believes a crime occurred, he should consult law enforcement officials, and, after conducting an investigation, those officials may consult with prosecutors to determine whether charges are warranted. Thus, the plaintiff's claims concerning the filing of criminal charges

against the defendant are frivolous. Accordingly, this action is dismissed without prejudice. 28 U.S.C. § 1914; 28 U.S.C. § 1915.

IT IS SO ORDERED

DATED this 28th day of October, 2009.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA